

INSTRUCTIONS & CHECKLIST

PACKET “L” -- JOINT PERMANENT PARENTING PLAN

I. PETITIONING FOR A PERMANENT PARENTING PLAN:

There are LOTS of forms that will need to be completed. Take it step-by-step-- in order -- and it should make it easier for you. On the top half of the first page of every court document there is a “**heading**” which identifies the party completing the form (**USE MAILING ADDRESS**) and a “**caption**” which sets out the case description. Fill out the heading and caption on every form. Because both Mother and Father are filing this action together, you are both called **Co-Petitioners**.

It is mandatory that both of you attend the parenting plan orientation class before a final decree is entered. The Court strongly encourages you to attend the mandatory parenting plan orientation class **before** finalizing and filing your petition and parenting plan, as it may affect the way you arrive at decisions and complete the documents. It could be of great assistance to you in reaching an amicable parenting plan.

STEP 1. -- Filling Out The Forms

- ☐ Form #160 Fill in completely. Date and sign. (This will be a sealed court document - not available to the public, except as authorized by law. Privacy and Access Rules of the Montana Supreme Court (http://www.montanacourts.org/orders/06-0377%20privacyrules_extension.pdf))
- ☐ Form #161 Fill in every section. Sign page 9 & 10 in two places in front of a notary public.
*** Please note: The Clerk of Court’s Office cannot notarize these documents. A notary can be found at banks, law offices, etc.

If you need help with the computation of child support payments according to the child support guidelines, a “Child Support Calculation Packet” may be purchased at the Clerk of District Court’s office. Follow the instructions. Attorneys assisting with the self-help law program will perform the calculations and submit a child support calculation to the Judge. (This assistance will be provided as long as grant funding is available.)

If the other parent is not receptive to this assistance, complete your portion of the packet and return the entire packet to the Court. The Court will order the other parent to complete his/her portion. Even if no information is provided by the other parent, child support can be calculated based on imputed income pursuant to the Uniform Child Support Guidelines.

- ☐ If you need help with the computation of child support payments, check the following website for more information and an application:
<http://www.dphhs.state.mt.us/aboutus/divisions/childsupportenforcement/index.shtml>
OR - an application packet may be purchased at the Clerk of District Court’s office as discussed above.

- ☐ Form #162 Fill in every section. Sign on page 11 in front of a notary public. If you need assistance developing a parenting plan, consult Rule 33 of Local Rules of Practice, 21st Judicial District, which can be found via internet at: http://www.co.ravalli.mt.us/courts/court_dist_judge_rules.htm
- ☐ Form #163 Complete and sign.
- ☐ Form #164 Complete caption and heading.
- ☐ Form #165 Complete caption only.
- ☐ Form #166 Sign and date letter. Complete the CSED Confidential Data Sheet.

STEP 2. -- Making Copies

- ☐ Make 2 copies of Documents #160, 161, 162, 163, & 166.

STEP 3. -- Filing Your Case With Clerk of Court.

- ☐ Bring the originals and two copies of Form #160, 161, 162, & 163 to the Clerk of District Court's Office for filing. The Clerk will assign a cause number and department number to identify your case with the Court. One copy will be for each of your own personal records.
- ☐ \$120.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, ask the Clerk for the form "Affidavit of Financial Indigence." If the Judge approves your indigent status, your fees will be waived.
- ☐ The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies. One set is to be retained by you. One copy is for service upon the co-parent. The original Summons will be retained by the Clerk of Court and they will issue a Duplicate Original to use for service.

STEP 4. -- Mailing CSED Paperwork.

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| <input type="checkbox"/> | Mail the following to CSED:
Form #164, 165 & 166 -- Originals

Form #163 -- Copy | Mailing Address: | Montana D.P.H.H.S.
Child Support Enforcement
Division
2675 Palmer Street - Suite C
Missoula MT 59808 |
| <input type="checkbox"/> | CSED will either decline to be involved, or you will be contacted by them for more information. | | |

II. PARENTING PLAN ORIENTATION:

Pursuant to Family Law §40-4-226 MCA, the Judges of the Twenty-First Judicial District have determined that "it is in the best interest of the child(ren)" that the parties involved in the dissolution of marriage, the establishment of a Parenting Plan or the amendment of a Parenting Plan (including child support or other actions) attend a **PARENTING PLAN ORIENTATION** program. This orientation, a free service of the Court, is mandatory for both parents. The 1.5 hour program is held the 2nd Tuesday of each month. **FAILURE TO ATTEND THIS ORIENTATION COULD RESULT IN THE DELAY OF ENTRY OF YOUR DECREE OF DISSOLUTION.** *In cases of domestic violence, whether or not there is a "no contact" or Order of Protection in place, it may be advisable to attend separate orientation sessions.*

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| <input type="checkbox"/> | <u>Form #167</u> | Bring this form to the Clerk of Court's office, who will assign a program date and issue the order. |
| <input type="checkbox"/> | <u>Form #168</u> | Bring this form with you to the Orientation program. Have the supervisor sign when you have completed the program. The class instructor will file Form #168 with the Clerk of Court. There is one for each of you. |

***** DO NOT DISCARD THE BALANCE OF THE DOCUMENTS --
YOU WILL USE THEM!

III. FINAL PAPERWORK:

STEP 5. -- Final Agreement.

It is best if you are able to reach an agreement between yourselves on parenting and child support. By using this packet of documents, you have indicated you are in agreement. (If you need assistance reaching agreement, see the enclosed Resource Sheet listing mediators.)

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|--------------------------|------------|--|
| <input type="checkbox"/> | Form # 169 | Complete the caption. |
| <input type="checkbox"/> | Form # 170 | Complete the caption. The Court may or may not set a hearing. |
| <input type="checkbox"/> | Form # 171 | Complete the caption. Complete the balance of the document as best you can, incorporating the information from the Joint Petition and the Joint Proposal for Parenting Plan. |
| <input type="checkbox"/> | Form # 172 | It is not necessary that you both attend the hearing (unless the Judge specifically orders it). If one of you plans not to attend, complete this document, sign and have your signature notarized. |
| <input type="checkbox"/> | Form # 173 | Complete those sections you can. After the hearing you will be expected to fully complete the form. |

IV. FINAL PAPERWORK:

STEP 6. -- Just a Little More !!!

- ☐ Make a copy of Form #169 & 170, 172 & 173 for your records.
- ☐ Make 3 copies of Form #171. Keep one for your records.
- ☐ Deliver the originals of Form #169, 170, 171, 172 & 173 and the two copies of Form #171 to the Clerk of Court -- **with Form #169 on top**. If the paperwork is not in order, the Court's Reviewer will be in contact with you.
- ☐ **You MUST include payment to the Clerk of District Court in the amount of \$45.00 (subject to change). This amount is the fee charged for filing the judgment/final decree. No hearing will be scheduled until the fee is received.**
- ☐ You will be notified of the hearing date on the final decree.

V. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While parenting can be very difficult and emotional, the Court expects the parties to be civil and remain focused.

VI. AFTER THE HEARING:

STEP 7 -- Final Paperwork.

- ☐ After the hearing, you must file Form 173 with the Clerk of Court.
- ☐ A filing fee of \$45 (subject to change) must be paid to the Clerk of Court before the Final Decree (Form #171) is filed.
- ☐ Copies of the Final Decree will be available at the Clerk of Court's office. The Clerk's office charges \$10 per copy. However, you have already supplied two extra copies of the Final Decree. The Clerk's office will conform these copies with the original without any cost. The Clerk should then certify the two copies. The cost for certification is \$2.00 each.
- ☐ Form #174 Complete, sign, and mail a copy to your spouse, together with one certified copy of the Final Decree (Form #171) signed by the Judge. File original Form #174 with the Clerk of Court.

(Revision Date: 12/15/08)